

Notice of Rulemaking Hearing

Tennessee Department of Human Services

Administrative Services Division

There will be a hearing before the Tennessee Department of Human Services to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 71-1-105(12). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in in the 2nd Floor Conference Room, Citizen's Plaza Building 400 Deaderick Street, Nashville, Tennessee 37248 at 1:30PM Central Time on January 18, 2005.

Any individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled hearing or meeting dates, to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services ADA Coordinator, Fran McKinney at 400 Deaderick Street, Nashville, Tennessee, (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: William B. Russell, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

Substance of Proposed Rules

The Tennessee Department of Human Services

Administrative Services Division

Chapter 1240-9-

Access to Public Records of the Department of Human Services

Amendments

Rule 1240-2-9-.05, Fees and Costs for Reproduction of Records, is amended by re-numbering the existing paragraph (6) as paragraph (8) and by adding the following new paragraphs (6) and (7), so that paragraphs (6) and (7) shall read as follows:

- (6) Audio recordings shall be charged at a minimum of Three Dollars (\$3.00) per one-sided tape and Four Dollars (\$4.00) for a two-sided tape, if this media is available.
- (7) Video recordings shall be charged at a minimum of Six Dollars and Fifty Cents (\$6.50) per videotape, if this media is available.

Authority: T.C.A. §§4-5-201 et seq., 71-1-105; 10-7-503 and 10-7-506; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and Op. Tenn. Atty. Gen. 01-021 (Feb. 8, 2001); *Hickman v. Tennessee Board of Probation and Parole*, 2003 WL 724474 (Tenn. Ct. App.).

Rule 1240-2-9-.05, Fees and Costs for Reproduction of Records, is amended by deleting in its entirety part 1, subparagraph (a), of existing paragraph (6) [new paragraph (8) as amended above], and by substituting instead the following new language so that, as amended, part 1 shall read as follows:

- 1. Staff time utilized in locating, gathering, and copying the record;

Authority: T.C.A. §§4-5-201 et seq., 71-1-105; 10-7-503 and 10-7-506; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and Op. Tenn. Atty. Gen. 01-021 (Feb. 8, 2001); *Hickman v. Tennessee Board of Probation and Parole*, 2003 WL 724474 (Tenn. Ct. App.).

Rule 1240-2-9-.05, Fees and Costs for Reproduction of Records, is amended by deleting in its entirety subparagraph (d), of existing paragraph (6) [new paragraph (8) as amended above], and by substituting instead the following new language so that, as amended, subparagraph (d) shall read as follows:

- (d) Any other costs associated with actually reproducing the requested records, except for those out-of-pocket costs or staff time associated with reviewing for redacted or confidential information in the records.

Authority: T.C.A. §§4-5-201 et seq., 71-1-105; 10-7-503 and 10-7-506; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and Op. Tenn. Atty. Gen. 01-021 (Feb. 8, 2001); *Hickman v. Tennessee Board of Probation and Parole*, 2003 WL 724474 (Tenn. Ct. App.).

Legal Contact or Party who will approve final copy:

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I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Department of Human Services.



William B. Russell
General Counsel
Tennessee Department of Human Services

Subscribed and sworn to before me this the 9th day of November, 2004


Notary Public

My commission expires on the _____ day of _____, _____
My Commission Expires
August 20, 2006

The Notice of Rulemaking set out herein was properly filed in the Department of State on the 15
day of November, 2004.


Riley C. Darnell
Secretary of State

By: 

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